

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 MICHAEL ANTHONY NELSON,
5 Petitioner,
6 v.
7 WARDEN HOWELL, et al.,
8 Respondents.
9

Case No. 2:18-cv-00565-APG-CWH

ORDER

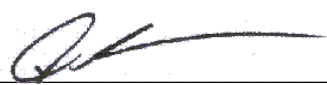
10 Petitioner has filed an *ex parte* motion for appointment of counsel (ECF No. 8).
11 Whenever the court determines that the interests of justice so require, counsel may be appointed
12 to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. §
13 3006A(a)(2)(B). “[T]he district court must evaluate the likelihood of success on the merits as
14 well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the
15 legal issues involved.” *Weygandt v. Look*, 718 F.2d 952 (9th Cir. 1983). There is no
16 constitutional right to counsel in federal habeas proceedings. *McCleskey v. Zant*, 499 U.S. 467,
17 495 (1991). The factors to consider are not separate from the underlying claims, but are
18 intrinsically enmeshed with them. *Weygandt*, 718 F.2d at 954. After reviewing the petition, I
19 conclude that appointment of counsel is not warranted.

20 I grant the respondents have filed a motion for enlargement of time (ECF No. 9).

21 IT THEREFORE IS ORDERED that petitioner’s *ex parte* motion for appointment of
22 counsel **(ECF No. 8) is DENIED.**

23 IT FURTHER IS ORDERED that respondents’ motion for enlargement of time **(ECF No.**
24 **9) is GRANTED.** Respondents will have through October 8, 2018, to file a response to the
25 petition (ECF No. 6).

26 DATED: September 5, 2018.

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28 ANDREW P. GORDON
United States District Judge